

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION  
2:08cv9**

<b>LYNN BALDWIN, d/b/a Baldwin</b>	)	
<b>Construction,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>Vs.</b>	)	<b>ORDER</b>
	)	
<b>PENN-AMERICA INSURANCE CO.,</b>	)	
	)	
<b>Defendant.</b>	)	
<hr style="width:40%; margin-left:0"/>	)	

**THIS MATTER** is before the court on plaintiff's Notice of Voluntary Dismissal (#4). On May 29, 2008, the Clerk of this court left a message with counsel for plaintiff informing him that such a pleading was not allowed and that a stipulation of dismissal signed by all counsel was required inasmuch as defendant had answered. See Fed.R.Civ.P. 41. Inasmuch as counsel has not responded to the Clerk of court or taken action to correct the pleading, the court will.

**ORDER**

**IT IS, THEREFORE, ORDERED** that plaintiff's Notice of Voluntary Dismissal (#4) is **STRICKEN** as improvidently filed.

Signed: June 5, 2008

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

